

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN, SOUTHERN DIVISION

J.C., a minor, by next friend,
SAM MICKENS; CLIFFORD COLE;
and J.C., a minor, by next friend, SAM
MICKENS;

Plaintiffs,

v

CITY OF GRAND RAPIDS POLICE
OFFICERS TBD;
CITY OF GRAND RAPIDS, and GRAND
RAPIDS POLICE DEPARTMENT,

Defendants.

Case No.: 1:21-CV-00846

HON. PHILLIP J. GREEN
U.S. District Magistrate Judge

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**DEFENDANTS CITY OF GRAND RAPIDS AND GRAND RAPIDS POLICE
DEPARTMENT'S MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM
PURSUANT TO FED. R. CIV. P. 12(b)(6)**

*****ORAL ARGUMENT REQUESTED*****

Defendants, the City of Grand Rapids (the "City") and the Grand Rapids Police Department ("GRPD") by and through their counsel, move this Honorable Court to dismiss this case for failure to state a claim upon which relief can be granted pursuant to Fed. R. Civ. P. 12(b)(6). As set forth more fully in the accompanying brief, and taking the allegations contained in the complaint as true,

Plaintiffs have failed to state a claim against these Defendants because the allegations are either legal conclusions, do not avoid immunity, or are insufficient to raise the requested relief above the speculative level.

WHEREFORE, Defendants City of Grand Rapids and the Grand Rapids Police Department request entry of an Order:

- A. Dismissing each and every of Plaintiff's claims, whether brought pursuant to state or federal law, against the City of Grand Rapids and the Grand Rapids Police Department, with prejudice;
- B. Finding that the Grand Rapids Police Department is a department within the City of Grand Rapids, and therefore is not a proper party-defendant;
- C. Granting these Defendants such other relief as is just and equitable under the circumstances.

Respectfully submitted,

THE CITY OF GRAND RAPIDS

Dated: November 15, 2021

/s/ Sarah J. Hartman
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